

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.28621 of 2018 and
WMP Nos.33405 and 33407 of 2018

E.Ambika

...Petitioner

-vs-

1.The District Collector,
Dharmapuri District,
Collectorate, Dharmapuri - 636 705.

2.The Revenue Divisional Officer,
Salem Bypass, Periyar Nagar,
Harur, Dharmapuri District - 636 903.

3.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District - 636 905.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the notices dated 08.12.2017 and 09.01.2018 issued by the 3rd respondent to the petitioner under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905 in connection with the land measuring an extent of 0.59.0 hectares in S.No.38/2 in Devarajapalayam Village, Pappireddipatti Taluk, Dharmapuri District and quash the same as barred by limitation and violative of the fundamental rights of the petitioner under Articles 14 and 21 of the Constitution of India and consequently direct the 3rd respondent to issue patta for the said land in the name of the petitioner.

For Petitioner : Ms.C.Uma

For Respondents : Mr.J.Pothiraj
Special Govt.Pleader for R1 and R2

O R D E R

[Order of the Court was delivered by K.K.SASIDHARAN,J.]

Heard the learned counsel on behalf of the petitioner. Mr.J.Pothiraj, learned Special Government Pleader takes notice on behalf of the respondents.

2. The challenge in this writ petition is to the final order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

3. Admittedly, the order passed under Section 6 of the Land Encroachment Act is appealable under Section 10 of the said Act. There is a provision for stay of further proceedings also under Section 10-B of the said Act. In view of the same, we do not propose to entertain the writ petition.

4. We give liberty to the petitioner to file an appeal before the appropriate authority under Section 10 of the Land Encroachment Act. If the appeal is filed within a period of 15 days' from the date of receipt of a copy of this order, the Appellate Authority shall entertain the appeal de hors the question of limitation. The stay petition shall be considered at the first instance. Till orders are passed in the stay petition, status quo prevailing as on today shall be maintained. In case, no appeal is filed within the period noted above, it is open to the statutory authority to proceed in accordance with law.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

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To

1.The District Collector,
Dharmapuri District,
Collectorate, Dharmapuri - 636 705.

2.The Revenue Divisional Officer,
Salem Bypass, Periyar Nagar,
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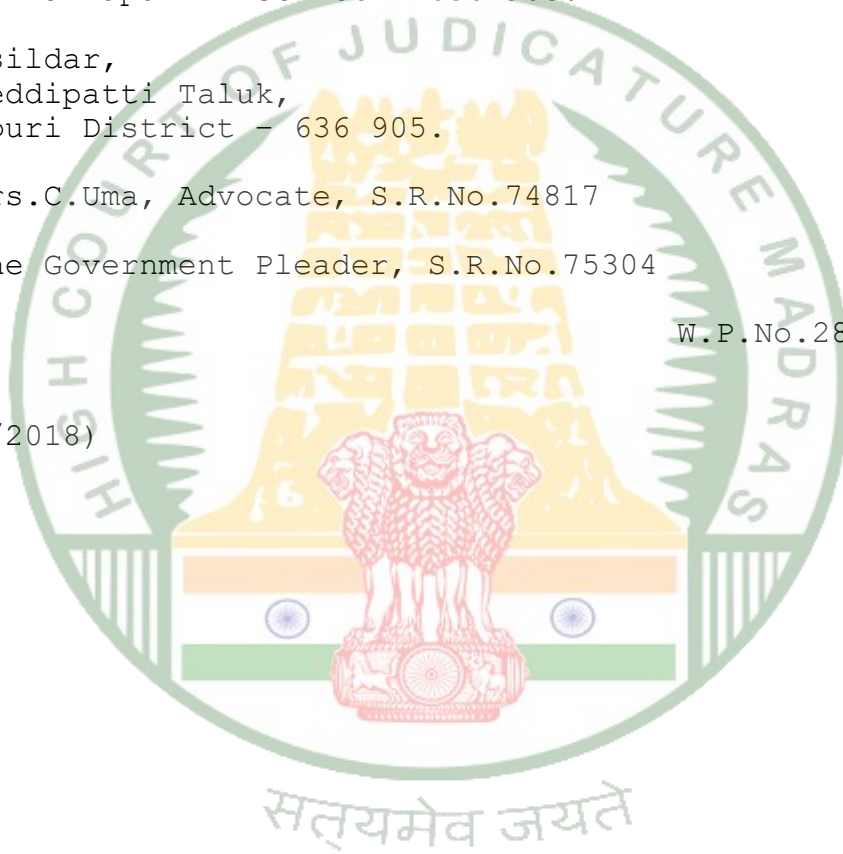
3.The Tahsildar,
Pappireddipatti Taluk,
Dharmapuri District - 636 905.

+1cc to Mrs.C.Uma, Advocate, S.R.No.74817

+1cc to the Government Pleader, S.R.No.75304

W.P.No.28621 of 2018

NRJK (CO)
RRK (09/11/2018)



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